

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SY-05 MCT-01 CIAE-00 INR-07
NSAE-00 /029 W

-----023773 012209Z /66

R 011410Z DEC 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 5776

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 3045

E O 11652: GDS
TAGS: PORS WB
SUBJ: REQUEST TO PERMIT ARMING PRIVATE BODYGUARDS IN BERLIN
FOR PERSONS THREATENED BY TERRORISTS (AXEL SPRINGER)

REF: DAVIS LETTER TO CHESTER AND GERMAN, OCT 11, 1977

SUMMARY: IT HAS AGAIN BEEN REQUESTED THAT AXEL SPRINGER, PUBLISHER OF DIE WELT AND OTHER NEWSPAPERS, AND HIS BODYGUARDS BE PERMITTED TO BEAR ARMS IN BERLIN. SIMILAR REQUESTS WERE MADE AND DECLINED BY THE ALLIES IN 1973 AND 1975. THE LATEST REQUEST WAS MADE ON SEPTEMBER 22, AND RECEIVED A NONCOMMITTAL ANSWER FROM USCOB, TO THE EFFECT THAT CHANGES COULD NOT BE PRESENTLY AUTHORIZED BUT THE SITUATION WOULD BE KEPT UNDER REVIEW. THIS PETITION HAS BEEN DISCUSSED WITH THE FRENCH, BRITISH AND SENAT, ALL OF WHOM REACTED NEGATIVELY. THE FRENCH AND BRITISH AGREED, HOWEVER, TO PREPARE A JOINT SUMMARY OF THE PROBLEM FOR SUBMISSION TO THE EMBASSIES. THIS NEUTRAL STATEMENT IS FORWARDED HEREWITH. USBER AND USCOB FAVOR APPROVAL OF THE SPRINGER REQUEST, BUT A TRIPARTITE DECISION IS NEEDED. END SUMMARY.

1. A REQUEST WAS MADE ON SEPTEMBER 22 THAT AXEL SPRINGER AND HIS BODYGUARDS BE PERMITTED TO BEAR ARMS IN BERLIN.
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SUCH CARRYING OF WEAPONS BY PRIVATE CITIZENS IN BERLIN IS NOT PERMITTED BY CUSTOMARY INTERPRETATION OF ALLIED CONTROL COUNCIL LAW NO. 43, THE ONLY EXCEPTIONS ALLOWED TO DATE BEING FOR SPORTING PURPOSES OR FOR GUARDS OF MONEY TRANSPORT CARS. USCOB REPLIED NONCOMMITTALLY TO THE PETITION, SINCE WE KNEW IT COULD ONLY BE GRANTED BY A TRIPARTITE DECISION.

2. USBER PROPOSED TO THE BRITISH AND FRENCH THAT THE REQUEST BE SYMPATHETICALLY CONSIDERED. IT DEVELOPED THAT THE TWO ALLIED MISSIONS AND THE SENAT WERE OPPOSED. THE MISSIONS AGREED, HOWEVER, TO SUMMARIZE THE PROBLEM IN A NEUTRAL MANNER, AND REFER IT TO THE EMBASSIES FOR STUDY, AS FOLLOWS:

3. BEGIN TEXT. TRIPARTITE PAPER ON ARMING OF PRIVATE BODYGUARDS.

HERR SPRINGER'S OFFICE HAVE AGAIN REQUESTED, AS THEY DID IN 1973 AND 1975, THAT HERR SPRINGER AND HIS PRIVATE BODYGUARDS BE PERMITTED TO CARRY ARMS IN BERLIN. THE PREVIOUS REQUESTS WERE TURNED DOWN BY THE ALLIES. HAVE THE EVENTS OF THE PAST FEW MONTHS CHANGED THE OVERALL SECURITY SITUATION TO SUCH A DEGREE THAT THE ALLIES SHOULD NOW RECONSIDER THEIR PREVIOUS DECISION?

THE LEGAL POSITION REGARDING THE POSSESSION OF FIREARMS IN BERLIN IS REGULATED BY CONTROL COUNCIL LAW NO. 43. ON THE BASIS OF THIS FOUR-POWER LEGISLATION THE THREE POWERS HAVE REJECTED ALL REQUESTS SINCE 1945 BY PRIVATE INDIVIDUALS TO CARRY FIREARMS WHILE IN BERLIN, EXCEPT FOR SPORTING PURPOSES. CERTAINLY WE AGREED RECENTLY TO THE ARMING UNDER STRICT ALLIED AND POLICE CONTROLS OF COMMERCIALY EMPLOYED GUARDS TO MONEY TRANS-
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PORTS IN THE CITY, BUT THIS DID NOT SET A PRECEDENT FOR THE ARMING OF INDIVIDUALS, AND HERR SPRINGER'S OFFICE HAVE NOT SUGGESTED THAT IT SHOULD

ARGUMENTS IN FAVOR OF CHANGE IN PRESENT PRACTICE:

(A) IT IS ANOMALOUS THAT STANDARDS OF PROTECTION IN BERLIN SHOULD DIFFER FROM THOSE AVAILABLE IN THE FRG. SUCH DISCRIMINATION COULD BECOME A NEGATIVE INDUCEMENT TO THOSE CONTEMPLATING SETTLING IN BERLIN.

(B) SOME PRIVATE INDIVIDUALS OR THEIR BODYGUARDS MAY ALREADY BE CARRYING ARMS WITHOUT ALLIED KNOWLEDGE OR CONSENT. IF WE CANNOT PREVENT THE PRACTICE ENTIRELY, WE SHOULD AT LEAST TRY TO BRING IT WITHIN THE SCOPE OF THE LAW.
GEORGE

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INFO OCT-01 ISO-00 L-03 SY-05 MCT-01 CIAE-00 INR-07
NSAE-00 /029 W

-----023625 012208Z /66

R 011410Z DEC 77
FM USMISSION USBERLIN
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(C) IT IS GENERALLY AGREED THAT HERR SPRINGER IS
A PRIME TERRORIST TARGET. IF A SUCCESSFUL ATTACK WERE
MADE ON HIM THE ALLIES WOULD BE SHOWN UP IN A BAD LIGHT
EITHER FOR FAILING TO AGREE TO HERR SPRINGER'S REQUEST
OR (IN THE EVENT THAT IT TRANSPIRED THAT HIS BODYGUARDS
WERE ARMED AFTER ALL) FOR FAILING TO CONTROL THEM.
ARGUMENTS AGAINST CHANGE:

(A) INDIVIDUAL BODY GUARDS ARE NOT A GUARANTEE OF
SAFETY, AS THE BUBACK AND SCHLEYER EPISODES HAVE SHOWN;
NOR IS IT DEMONSTRABLE THAT PRIVATE ARMED BODYGUARDS WOULD
PROVIDE BETTER PROTECTION THAN THE BERLIN POLICEMEN
ALREADY ALLOCATED TO HERR SPRINGER AND OTHERS.

(B) AN EXCEPTION IN THE CASE OF HERR SPRINGER COULD
STIMULATE NUMEROUS DEMANDS. DRAWING A LINE WOULD BE MOST
DIFFICULT.

(C) IT MIGHT BE INTERPRETED AS A CONTROVERSIAL
DEPARTURE FROM THE OBSERVANCE OF LAW NO. 43.

THE SENAT'S POSITION:
BEFORE CHANGING THEIR LONG-STANDING PRACTICES IN THIS
FIELD THE ALLIES WOULD NEED TO BE SURE THAT THE SENAT
AGREED SUCH A CHANGE WAS NECESSARY. AT PRESENT THIS DOES
NOT APPEAR TO BE THE CASE. THE SENAT ARE AWARE OF HERR
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SPRINGER'S REQUEST AND HAVE MADE NO ATTEMPT TO SUPPORT IT.
ON THE CONTRARY, SUCH EVIDENCE AS WE HAVE SUGGESTS
THAT THEY DO NOT WANT TO LICENSE PRIVATE INDIVIDUALS
TO CARRY WEAPONS IN THEIR OWN DEFENSE, NOR DO THEY
WELCOME THE PROSPECT OF NUMEROUS PRIVATE BODYGUARDS
BEING ARMED, AS IT WERE, IN COMPETITION WITH THE POLICE.
IF, THEREFORE, THEY WISHED TO CHANGE CURRENT PRACTICE,

THE ALLIES WOULD HAVE TO EXPLORE THE IMPLICATIONS VERY CAREFULLY WITH THE SENAT AND THE POLICE. PARENTHETICALLY IT SHOULD BE NOTED THAT THE OVER-BURDENED BERLIN POLICE ARE NOT KEEN TO EXTEND THEIR PROTECTION TO INDIVIDUALS, THOUGH THEY HAVE ALWAYS MET THEIR RESPONSIBILITIES WHERE THERE IS A REAL THREAT, AND HERR SPRINGER IS AS WELL PROTECTED AS ANYONE IN BERLIN.

THE OPTIONS:

(A) CONTINUE AS AT PRESENT, I.E., REFUSING ALL REQUESTS FOR THE ARMING OF INDIVIDUALS OR THEIR BODYGUARDS (THOUGH THIS MIGHT IN PRACTICE MEAN THAT SOME INDIVIDUALS ARMED THEMSELVES WITHOUT OUR KNOWLEDGE).
(B) ADOPT AS A POLICY THE PRACTICE OF TURNING A BLIND EYE TO KNOWN VIOLATIONS OF ALLIED FIREARMS LEGISLATION (AND LETTING HERR SPRINGER, FOR EXAMPLE, KNOW UNOFFICIALLY THAT WE WOULD TAKE NO ACTION IF HE WERE TO ARM HIS BODYGUARDS DURING PERIODS OF INCREASED RISK).
(C) CHANGE OUR POLICY PUBLICLY, AND ALLOW THE ARMING OF PRIVATE INDIVIDUALS UNDER STRINGENT CONDITIONS AND ON THE RECOMMENDATION OF THE BERLIN SECURITY AUTHORITIES WHO WOULD ASSESS THE THREAT IN EACHCASE. SHORT OF LETTING INDIVIDUALS CARRY WEAPONS IN PUBLIC, A LESSER DECISION MIGHT AUTHORIZE THEM TO KEEP ARMS IN THEIR HOMES. END TEXT.

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4. IT SHOULD BE ADDED THAT SPRINGER HAS POLICE GUARDS AT HIS BERLIN HOME, AS WELL AS A FOLLOW-ON CAR OF POLICE ESCORTS. THIS ARRANGEMENT APPARETNTLY HAS BEEN IN EFFECT AT LEAST SINCE 1975.

5. THE MAIN ARGUMENTS FOR FAVORABLE ACTION ARE CONTAINED IN THE USIB MESSAGE OF OCTOBER 3, COPIES OF WHICH ARE IN REFERENCED LETTER. WE CONTINUE TO FAVOR THE REQUEST, BUT AS THE MISSION SEES IT, FAVORABLE ACTION WOULD HAVE TO ENCOMPASS NOT ONLY SPRINGER, BUT ALSO PERHAPS OTHR PROMINENT LEADERS OF THE PRIVATE SECTOR.

6. ALTHOUGH THE SENAT REACTED NEGATIVELY TO THE FOREGOING, IT HAS NOW ITSELF FORMALLY ASKED THE THREE MISSIONS TO APPROVE ARMING THE JUDGES WHO WILL PRESIDE OVER THE LORENZ/DRENKMANN TRIALS SET FOR NEXT SPRING. WE WILL REPORT LATER ON THIS, WHICH WE THINK SHOULD BE KEPT SEPARATE FROM THE SPRINGER CASE.

7. USCOB CONCURS. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PHYSICAL SECURITY
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USBERL03045
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770446-0485
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t197712103/aaaadjkz.tel
Line Count: 222
Litigation Code IDs:
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Litigation History:
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Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 109175
Secure: OPEN
Status: NATIVE
Subject: REQUEST TO PERMIT ARMING PRIVATE BODYGUARDS IN BERLIN FOR PERSONS THREATENED BY TERRORISTS (AXEL SPRINGER)
TAGS: PORS, WB, (SPRINGER, AXEL)
To: BONN
Type: TE
vdkgvwkey: odbcc://SAS/SAS.dbo.SAS_Docs/b0e5cefb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009